



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

MAY 8 2012

Mr. Gary L. Sherrer  
Secretary of the Environment  
Oklahoma Secretary of the Environment  
3800 North Classen Boulevard  
Oklahoma City, Oklahoma 73118

Dear Secretary Sherrer:

As a follow up to our recent discussions, I appreciate the commitment made by you and the Oklahoma Legislature to return the State's Public Water System Supervision (PWSS) Program to its exemplary implementation status of a decade ago. I am also pleased to hear about the near-term funding discussed with the Oklahoma Legislature, and your long-term objective to fully fund the Oklahoma Drinking Water Program. The anticipated \$200,000 supplemental appropriation from the Oklahoma Legislature for the current year is a clear sign of support for ensuring that all Oklahomans have confidence in their drinking water.

As we jointly move forward, EPA needs a defined path by the State of Oklahoma to support your objective to fully fund and operate the PWSS program. To accomplish this, I ask that, by September 30, you submit a plan with funding details for implementation of the entire PWSS Program. I believe full program funding should be in place by no later than June 1, 2013, with complete implementation of the PWSS Program no later than July 2013. This schedule will allow the Oklahoma Legislature time to consider the long-term funding and appropriations needed for comprehensive implementation of all of the PWSS Program. This should also allow the Oklahoma Department of Environmental Quality (ODEQ) the opportunity to adopt all necessary rules and regulations to support full implementation of the PWSS program. If possible, I also request that you present letters of support from the entities committed to the plan. In light of this collaborative approach, the EPA has no plans to withdraw primacy for the Oklahoma PWSS program at this time; however, if full funding and implementation cannot be accomplished by this schedule, EPA will have to reevaluate this position.

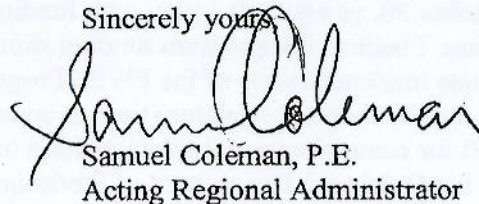
As we discussed last week, ODEQ and the EPA have dual enforcement authorities and responsibilities under the Safe Drinking Water Act (SDWA) for providing safe drinking water to the citizens of Oklahoma. EPA is committed to continuing our existing practice of coordinating and consulting with ODEQ on all SDWA inspections and enforcement actions consistent with the June 4, 2007, letter from John Blevins to Steve Thompson (see Enclosure 1).

In addition, in the short term (now until June 1, 2013), EPA is willing to work share with ODEQ in gathering data (inspections and information requests) to help you focus your enforcement actions until sufficient resources are committed to the PWSS program. For those portions of the program delegated to the State, EPA expects ODEQ to take the administrative enforcement necessary to resolve issues of non-compliance. However, if the ODEQ is unable to initiate an appropriate and timely enforcement action, EPA will undertake enforcement in order to protect public health and maintain the public's confidence and ensure the delivery of safe drinking water.

I believe that we have formed an extremely effective partnership with ODEQ on enforcement for all programs and expect this to continue in the SDWA arena. It is important to note, as discussed in our April 6 letter to Steve Thompson (Enclosure 2), limited State resources will result in an increased Federal presence as defined above. We will maintain this work sharing agreement through June 1, 2013. If at that time, ODEQ has not committed sufficient resources, and is not committed to fully and adequately implementing all PWSS programs, EPA will abandon its work sharing posture and move forward with aggressive EPA lead enforcement.

Let me say again that I appreciate you opening a dialogue with the Oklahoma Legislature on fully funding the drinking water program. I look forward to providing support or information, as needed, for Oklahoma to enjoy a fully resourced and exceptional program. Let me know if I can help in any way.

Sincerely yours,



Samuel Coleman, P.E.  
Acting Regional Administrator

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

June 4, 2007

Mr. Steve Thompson  
Executive Director  
Oklahoma Department of Environmental Quality  
707 N. Robinson  
Oklahoma City, OK 73102

Dear Mr. Thompson: <sup>STEVE</sup>

As a follow-up to the May 10<sup>th</sup> meeting between our staffs concerning inspection targeting, I want to take the opportunity to reemphasize our commitment to collaboration and coordination with ODEQ. At the same time, I also want to stress the importance of understanding and valuing our respective enforcement responsibilities.

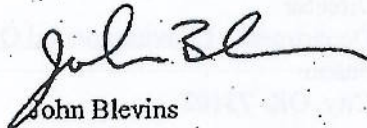
One of the issues discussed during this meeting involved planned federal-lead inspections in the National Priority areas of storm water and sanitary sewer overflows. EPA, nationally, has a responsibility for establishing and maintaining a federal presence in these and other priority areas. We committed to work with ODEQ on joint planning for such actions, and we always welcome state participation in federal-lead inspections, but we must reserve the right to inspect and pursue federal enforcement actions in appropriate situations. This is a consistent message that EPA is sending to each state.

For non-priority areas, it is our general practice, when asked, to allow a state the lead in administrative enforcement actions. In cases deserving judicial attention, it is likewise our practice to invite states to be co-plaintiffs. We value your staff's expertise and professionalism, and the need for EPA to take the lead on certain enforcement actions (especially those in National Priority areas) is not in any way a negative reflection on your agency.

Another item discussed was our request that each state work with us to better target our enforcement actions based on environmental impact and/or environmental benefit. Some of the Region 6 states have requested flexibility targeting based on criterion other than a percentage of the regulated universe. I think this is a great idea and warrants further discussion on the specific details. In the Air Program we are encouraging the expanded use of partial compliance evaluations (versus full compliance evaluations). In our Water Program we are supportive of requests to inspect more minors and less majors, generally at a 2:1 tradeoff.

Again, we are committed to working closely with you both in terms of inspections and enforcement actions. If you or your staff should have any questions on this or related matters, please feel free to call me.

Sincerely yours,



John Blevins

Director

Compliance Assurance and  
Enforcement Division